

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

EDRIS YVONNE HURT WILLIAMS
HOLLAND
1504 West 96th Street
Los Angeles, CA 90047

Registered Nurse License No. 374283

Respondent.

Case No. 2006-69

OAH No. L-2006 080 032

DECISION AND ORDER

The attached Stipulation and Order in Response to the Board of Registered Nursing's Notice of Non-Adoption of Proposed Decision is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on MAY 17, 2007.

It is so ORDERED April 17, 2007.



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARC D. GREENBAUM, State Bar No. 138213
Supervising Deputy Attorney General
3 JAMI L. CANTORE, State Bar No. 165410
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

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13 1504 West 96th Street
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**STIPULATION AND ORDER IN
RESPONSE TO THE BOARD OF
REGISTERED NURSING'S
NOTICE OF NON-ADOPTION OF
PROPOSED DECISION**

14 Registered Nurse License No. 374283

15 Respondent.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of the
22 Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by
24 Jami L. Cantore, Deputy Attorney General.

25 2. Edris Yvonne Hurt Williams Holland (Respondent) is representing herself in
26 this proceeding and has chosen not to exercise her right to be represented by counsel.

27 3. On or about September 30, 1984, the Board of Registered Nursing issued
28 Registered Nurse License No. 374283 to Respondent Edris Yvonne Hurt Williams Holland. The

1 License was in full force and effect at all times relevant to the charges brought in Accusation No.
2 2006-69 and will expire on July 31, 2008, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2006-69 was filed on November 7, 2005, before the
5 Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending
6 against Respondent. The Accusation and all other statutorily required documents were properly
7 served on Respondent on November 29, 2005. Default Decision No. 2006-69 was set aside on
8 June 5, 2006, and the hearing on Accusation No. 2006-69 was held on December 4, 2006, before
9 Administrative Law Judge Daniel Juarez. A copy of the December 26, 2006, Proposed Decision
10 on Accusation No. 2006-69 ("Proposed Decision") is attached as Exhibit A and incorporated
11 herein by reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, and fully understands the Proposed
14 Decision. Respondent has also carefully read, and fully understands the effects of this Stipulation
15 and Order.

16 6. Respondent is fully aware of her legal rights in this matter including the right
17 to be represented by counsel at her own expense; the right to reconsideration and court review of
18 an adverse decision; and all other rights accorded by the California Administrative Procedure Act
19 and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
21 each and every right set forth above.

22 8. Respondent agrees that her Registered Nurse License is subject to
23 discipline and she agrees to be bound by the Board of Registered Nursing's imposition of discipline
24 as set forth in the Proposed Decision and as set forth below in the Stipulation and Order.

25 CONTINGENCY

26 9. This stipulation shall be subject to approval by the Board of Registered
27 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
28 Board of Registered Nursing may communicate directly with the Board regarding this stipulation

1 and settlement, without notice to or participation by Respondent. By signing the stipulation,
2 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
3 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
4 stipulation as its Decision and Order, the Stipulation and Order in Response to the Board of
5 Registered Nursing's Notice of Non-Adoption of Proposed Decision shall be of no force or effect,
6 except for this paragraph, it shall be inadmissible in any legal action between the parties, and the
7 Board shall not be disqualified from further action by having considered this matter.

8 OTHER MATTERS

9 10. The parties understand and agree that facsimile copies of this Stipulation
10 and Order in Response to the Board of Registered Nursing's Notice of Non-Adoption of
11 Proposed Decision, including facsimile signatures thereto, shall have the same force and effect as
12 the originals.

13 STIPULATION AND ORDER

14 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
15 above-entitled proceedings that in lieu of the parties presenting written argument in response to the
16 Board's order of non-adoption regarding the issue of whether Respondent Edris Yvonne Hurt
17 Williams Holland should be required to abstain from the use of psychotropic drugs (condition 16)
18 as a condition of probation, the parties agree that Respondent shall abstain from the use of
19 psychotropic drugs as an additional condition of probation. The Proposed Decision dated
20 December 26, 2006, is deemed amended accordingly to reflect this additional condition of
21 probation, as follows:

22 **"Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall
23 completely abstain from the possession, injection or consumption by any route of all controlled
24 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same are
25 ordered by a health care professional legally authorized to do so as part of documented medical
26 treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the
27 prescribing health professional, a report identifying the medication, dosage, the date the medication
28 was prescribed, the Respondent's prognosis, the date the medication will no longer be required,

1 and the effect on the recovery plan, if appropriate.

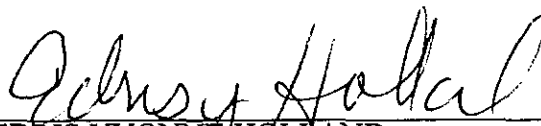
2 Respondent shall identify for the Board a single physician, nurse practitioner or
3 physician assistant who shall be aware of Respondent's history of substance abuse and will
4 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
5 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
6 assistant shall report to the Board on a quarterly basis Respondent's compliance with this condition.
7 If any substances considered addictive have been prescribed, the report shall identify a program for
8 the time limited use of any such substances.

9 The Board may require the single coordinating physician, nurse practitioner, or
10 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
11 medicine."

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13 ACCEPTANCE

14 I have carefully read and understand the above stipulation and the effect it will have
15 on my Registered Nurse License. I enter into this stipulation voluntarily, knowingly, and
16 intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

17 DATED: 3/15/07.


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20 EDRIS YVONNE HOLLAND
21 Respondent
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1 ENDORSEMENT

2 The foregoing stipulation is hereby respectfully submitted for consideration by the
3 Board of Registered Nursing, Department of Consumer Affairs.

4 DATED: 3/5/07.

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6 EDMUND G. BROWN, Attorney General
of the State of California

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9 JAMI L. CANTORE
Deputy Attorney General

10 Attorneys for Complainant
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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Edris Yvonne Hurt aka Delores Holland;
Delores Florence Holland; Cynthia Renee
Powers; Orla Benton; Edwina Yvonne
Cannon; Edie Hurt; Delores Florence
Holland; Eddy Hurt; Rita McFall; Edris
Yvonne Holland-Hurt; Edris Yvonne
Williams; Endris Yvonne Williams;
Cassandra Lee Sheperd

Registered Nurse License No. 374283

Respondent.

Case No. 2006-69
OAH No. L2006080032

NOTICE OF NON-ADOPTION
OF PROPOSED DECISION

TO: EDRIS YVONNE HOLLAND, RESPONDENT; EDMUND G. BROWN, JR.
ATTORNEY GENERAL OF THE STATE OF CALIFORNIA; JAMI L. CANTORE,
DEPUTY ATTORNEY GENERAL; AND DANIEL JUAREZ, ADMINISTRATIVE LAW
JUDGE, OFFICE OF ADMINISTRATIVE HEARINGS:

Attached hereto is a copy of the Proposed Decision relative to the above entitled
matter which was submitted to the Board of Registered Nursing by Administrative Law
Judge Daniel Juarez.

You are hereby informed that the Board of Registered Nursing considered, but did not adopt, that Proposed Decision. You are advised that, in accordance with subdivision (c) of Government Code Section 11517, the Board of Registered Nursing will decide the case upon the record, without including the transcript of the hearing held on December 4, 2006, if respondent agrees to waive the ordering of the transcript, and upon such written arguments as the parties may wish to submit. The Board will send you notification of the deadline to file your written argument at a later date. The Board is specifically interested in adding probation condition 16: abstain from use of psychotropic (mood-altering) drugs. Please fill out the attached form regarding the ordering of the transcript and return to the Board no later than March 8, 2007.

Dated: This 22nd day of February 2007.

BOARD OF REGISTERED NURSING

BY Ruth Ann Terry MPH, RN
RUTH ANN TERRY, MPH, RN
EXECUTIVE OFFICER

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2006-69

Edris Yvonne Hurt aka Delores Holland;
Delores Florence Holland; Cynthia Renee
Powers; Orla Benton; Edwina Yvonne
Cannon; Edie Hurt; Delores Florence Holland;
Eddy Hurt; Rita McFall; Edris Yvonne
Holland-Hurt; Edris Yvonne Williams; Endris
Yvonne Williams; Cassandra Lee Sheperd

OAH No. L2006080032

Registered Nurse License No. 374283

Respondent.

PROPOSED DECISION

Daniel Juárez, Administrative Law Judge with the Office of Administrative Hearings, heard this matter on December 4, 2006, in Los Angeles, California.

Jami L. Cantore, Deputy Attorney General, represented Ruth Ann Terry, M.P.H., R.N., Executive Officer, Board of Registered Nursing (Complainant).

Edris Yvonne Holland (Respondent) was present and represented herself.

The parties submitted the matter for decision on December 4, 2006.

FACTUAL FINDINGS

1. On November 7, 2005, Complainant, acting in her official capacity, signed the Accusation against Respondent. On a date uncertain, Complainant issued a default decision against Respondent, revoking her license. On June 5, 2006, Complainant set aside the default decision and order, and referred the matter to the Office of the Attorney General; this action then ensued.

2. Complainant contends Respondent's registered nursing license should be revoked or suspended for unprofessional conduct. Complainant alleged Respondent's

unprofessional conduct consisted of using and/or being under the influence of a controlled substance (Bus. & Prof. Code §§ 2761, subd. (a), & 2762, subd. (b)), and having seven criminal convictions of substantially related crimes. (Bus. & Prof. Code §§ 490, 2761, subd. (f), & 2762, subd. (c).) Complainant also sought the reasonable costs of investigation and enforcement. (Bus. & Prof. Code § 125.3.)

3. Respondent contends her license should not be revoked or suspended because 1) she did not use, nor was she under the influence of a controlled substance, as Complainant alleged, 2) six of the seven convictions occurred over ten years ago, and 3) her recent actions demonstrate sufficient rehabilitation to alleviate the concerns raised by any of her criminal convictions.

4. As set forth below, Complainant proved Respondent engaged in unprofessional conduct. However, while Complainant established cause for revocation or suspension, the evidence established the public would be adequately protected if Respondent were issued a probationary license.

5. The Board of Registered Nursing (the Board) issued Respondent registered nursing license number 374283, on September 30, 1984. Since its issuance, Respondent's license has not suffered any disciplinary action, until the filing of the instant Accusation. Respondent's license will expire on July 31, 2008, unless renewed.

6. On November 28, 2003, Respondent's nursing registry (the registry) assigned her to work at a hospital emergency room. Upon arriving at the emergency room, at approximately 7:00 p.m., Respondent immediately went to the bathroom and remained there for approximately one hour. She told the other nurses she had diarrhea. She called and also told the registry she was not well. That night, while continuing with her duties, other nurses observed Respondent sleeping while giving a phone report and sleeping while charting. Having received a complaint and surmising Respondent may have diverted and/or used drugs that evening, the registry, thereafter, asked Respondent to submit to a drug test. Respondent told the registry that she had not diverted drugs and was not under the influence of drugs the night of November 28, 2003, but that indeed, she had recently (but not while on the job) ingested marijuana and cocaine. To prove she had not diverted drugs from the hospital, Respondent agreed to be tested for drugs, knowing she would test positive for cocaine and marijuana.

7. On December 3, 2003, the registry complained to Complainant about Respondent, citing her admitted drug use and a history of work-related complaints. The registry attached to its written complaint various incident reports describing problems with Respondent's work habits. Those reports ranged in dates from 1996 to 2003. The problems consisted of incidents where Respondent would fail to respond to patient needs, would take breaks at inappropriate times, would take breaks for too long, would fall asleep while working, would produce inadequate patient chart information, and she was described as having a poor attitude. On at least eight distinct occasions between January 12, 1997 and November 25, 2003, hospital staff at various hospitals complained that, among other things,

Respondent would fall asleep while on the job and take long breaks. For all of these various work-related inadequacies, three hospitals in 1996, two hospitals in 1997, and seven hospitals in 2003 placed Respondent on their "do not send" lists. In the descriptions of Respondent's inadequacies, drug use or suspected drug use were not mentioned as part of her problems. In a letter to Complainant, dated December 9, 2003, the registry's president stated, among other things, "Although [Respondent] was not reported by any hospitals as working in an impaired condition nor taking any medication for her personal use, her repeat behavior and the nature of the complaints are such that, I ask that you evaluate Edris." (Exhibit 7.)

8. On December 5, 2003, Respondent was tested for drugs in her system. On December 8, 2003, her drug test was reported as positive for marijuana and cocaine. Respondent had been previously tested for drugs on October 27, 2003, and the result showed no drugs in her system.

9. At hearing, Respondent explained the events of November 28, 2003 by stating she had fallen asleep on the job because she was physically exhausted. She was exhausted because of her activity during the Thanksgiving holiday and a variety of personal problems with which she was dealing. Respondent did not divert drugs from the hospital she was working at on November 28, 2003.

10. The Board requested the Division of Investigation, Department of Consumer Affairs, to investigate Respondent after receiving the registry's complaint. The investigator found that Respondent had been convicted 12 distinct times: nine times for prostitution, one time for carrying a concealed weapon, and two times¹ for felony possession of cocaine. The sentencing courts no longer maintained the records in five of the nine prostitution convictions (three in 1985, and one each in 1987 and 1988). The investigator also found the various work-related complaints against Respondent as described in Factual Finding 7, *ante*.

11. On September 22, 1989, pursuant to a guilty plea, the Los Angeles Municipal Court, in case number 89M09194, convicted Respondent of violating Penal Code section 647, subdivision (b) (disorderly conduct: prostitution), a misdemeanor. The court suspended the imposition of her sentence and placed her on summary probation for two years.

12. The terms and conditions of Respondent's probation included 60 days in jail, less credit for two days, a test for AIDS, and an order to obey all laws and further orders of the sentencing court.

13. The circumstances underlying her conviction were that, on or about September 21, 1989, in Gardena, California, Respondent was engaged in acts of prostitution to support her drug habit.

¹ The investigative report did not identify the 2005 felony conviction. (Factual Findings 28-30, *post*.)

14. On approximately May 14, 1990, pursuant to a nolo contendere plea, the Los Angeles Municipal Court, in case number 90H00998, convicted Respondent of violating Penal Code section 647, subdivision (b) (disorderly conduct: prostitution), a misdemeanor. The evidence did not establish the Municipal Court's sentence.

15. The circumstances underlying her conviction were that, on or about March 6, 1990, in Los Angeles County, Respondent was engaged in acts of prostitution to support her drug habit.

16. On June 17, 1991, pursuant to a guilty plea, the Los Angeles Municipal Court, in case number 91R12196, convicted Respondent (using the alias of Rita McFall) of violating Penal Code section 12025, subdivision (b) (carrying a concealed weapon), a misdemeanor. The Municipal Court suspended the imposition of her sentence and placed her on summary probation for two years.

17. The terms and conditions of Respondent's probation included 30 days in jail, less credit for two days, and an order to obey all laws and further orders of the sentencing court.

18. The circumstances underlying her conviction were that, on or about June 16, 1991, in Los Angeles County, Respondent carried a concealed weapon.

19. On February 18, 1992, the Los Angeles Superior Court, in case number BA049708-01, convicted Respondent of violating Health and Safety Code section 11350, subdivision (a) (possession of a controlled substance), a felony. The evidence did not establish Respondent's plea. The Superior Court suspended imposition of her sentence and placed her on summary probation for three years.

20. The terms and conditions of Respondent's probation included 115 days in jail (77 days of actual custody and 38 days good time/work time), a \$150 payment of restitution and fines, and an order to spend 365 days at a residential drug program. The sentencing court also ordered Respondent to not use or possess any drugs, except with a valid prescription, to stay away from places where drug users congregate, and to submit to periodic anti-narcotic tests as directed. The court further ordered Respondent to cooperate with probation to plan her drug counseling, seek and maintain training, schooling, or employment, maintain a residence, not own, use, or possess weapons, and submit to search and seizures by law enforcement officers. Additionally, the court ordered Respondent to obey all laws, orders, rules, and regulations of probation and the court, and to use only her true name while on probation (Respondent was originally charged under the alias of Rita McFall).

21. The circumstances underlying the conviction were that, on or about December 3, 1991, in Los Angeles County, Respondent was in possession of cocaine.

22. On February 22, 1994, pursuant to a nolo contendere plea, the Los Angeles Municipal Court, in case number 94H00514, convicted Respondent of violating Penal Code

section 647, subdivision (b) (disorderly conduct: prostitution), a misdemeanor. The Municipal Court denied Respondent probation and imposed sentence.

23. Respondent's sentence included 120 days in jail, with credit for five days. The sentencing court ordered that Respondent be tested for AIDS.

24. The circumstances underlying the conviction were that, on or about February 18, 1994, in Los Angeles County, Respondent engaged in acts of prostitution to support her drug habit.

25. On November 15, 1994, pursuant to a guilty plea, the San Bernardino Superior Court, in case number FVI-02052, convicted Respondent of violating Health and Safety Code section 11350, subdivision (a) (possession of a controlled substance), a felony. The Superior Court again denied Respondent probation and imposed sentence.

26. Respondent's sentence included 16 months in state prison, with credit for 111 days (75 actual custody days and 36 days credit for good conduct).

27. The circumstances underlying the conviction were that, on or about August 12, 1994, in San Bernardino County, Respondent possessed cocaine.

28. On February 14, 2005, pursuant to a guilty plea, the Los Angeles Superior Court, in case number YA060822, convicted Respondent of violating Health and Safety Code section 11350, subdivision (a) (possession of a controlled substance), a felony. The Superior Court suspended imposition of sentence and placed her on formal probation for three years.

29. The terms and conditions of probation included payment of \$300 in fines and restitution, and orders to cooperate with substance abuse counseling, to not drink alcohol, and to stay away from places where alcohol is the chief sale item. The Court ordered Respondent not to own, use, or possess weapons, to submit to periodic anti-narcotic testing, to not use or possess drugs without a valid prescription, and to stay away from places where drug users, buyers, or sellers congregate. The Court further ordered Respondent to not associate with known drug users and sellers, to submit to search and seizures by law enforcement, maintain a residence, obey all laws and all orders of the sentencing court, and to obey all rules and regulations of probation. As a part of her probation, Respondent enrolled in the Proposition 36 Program, an intensive drug rehabilitation program, pursuant to Penal Code section 1210, et seq.

30. The circumstances underlying the conviction were that, on or about February 6, 2005, in Los Angeles County, Respondent possessed cocaine while in her car.

31. On December 1, 2006, the Los Angeles Superior Court, in case number YA060822, terminated Respondent's probation upon a determination that Respondent had

successfully completed the Proposition 36 Program. The Court set aside Respondent's guilty plea and dismissed the conviction pursuant to Penal Code section 1210.1.

32. Respondent attributed her criminal acts to her need to support her drug habit. She regrets her drug use and has been serious about her sobriety since at least February 2005. Distinct from her Proposition 36 program, she began a residential drug rehabilitation program in February 2006 to continue addressing her addiction. She understands she has to continue fighting her addiction every day. She loves nursing and urged the Board not to revoke her license.

33. The Board incurred \$9,775.25 in total costs to enforce this matter. The total includes \$6,211.25 in prosecution costs, through the California Department of Justice, Office of the Attorney General, and \$3,564 in investigative costs, through the California Department of Consumer Affairs, Division of Investigation.

LEGAL CONCLUSIONS

1. Cause exists to revoke or suspend Respondent's registered nursing license, for her unprofessional conduct of using a controlled substance, pursuant to Business and Professions Code sections 2761, subdivision (a) and 2762, subdivision (b), as set forth in Factual Findings 1, 5-9, 29, 31-32, and Legal Conclusions 5-11, and 13.

2. Cause exists to revoke or suspend Respondent's registered nursing license, for her unprofessional conduct inclusive of felony and misdemeanor convictions, pursuant to Business and Professions Code sections 490, 2761, subdivision (f), and 2762, subdivision (c), as set forth in Factual Findings 1, 5, 10-32, and Legal Conclusions 4-11, and 14-15.

3. Cause exists to award costs, pursuant to Business and Professions Code section 125.3, as set forth in Factual Findings 1, 5-8, 10-31, 33, and Legal Conclusions 4-16.

4. Business and Professions Code section 490 states:

A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime if the crime is substantially related to the qualifications, function, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

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5. Business and Professions Code section 2750 states in pertinent part:

Every certificate holder or licensee . . . may be disciplined as provided in this article.

6. Business and Professions Code section 2761 states in pertinent part:

The board may take disciplinary action against a certified or licensed nurse . . . for any of the following:

(a) Unprofessional conduct . . .

[¶] . . . [¶]

(f) Conviction of a felony or any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Business and Professions Code section 2762 states in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

[¶] . . . [¶]

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

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8. Health and Safety Code section 11054 states in pertinent part:

(a) The controlled substances listed in this section are included in Schedule I.

[§] . . . [§]

(d) Hallucinogenic substances.

[§] . . . [§]

(13) Marijuana.

9. Health and Safety Code section 11055 states in pertinent part:

(a) The controlled substances listed in this section are included in Schedule II.

(b) Any of the following substances . . .

[§] . . . [§]

(6) Cocaine, except as specified in Section 11054.

10. California Code of Regulations, title 16, section 1444 states in pertinent part:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

11. California Code of Regulations, title 16, section 1445 states in pertinent part:

[§] . . . [§]

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

12. Business and Professions Code section 125.3, subdivision (a), states in pertinent part:

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department . . . the board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

13. Respondent's use of marijuana and cocaine sometime in late 2003 constitutes unprofessional conduct. (Bus. & Prof. Code §§ 2761, subd. (a), & 2762, subd. (b).) However, the evidence did not prove, by clear and convincing evidence to a reasonable certainty, that Respondent took the drugs, or was impaired by the drugs while at the hospital on November 28, 2003. The registry's complaint about Respondent confirmed that no one at the hospital alleged or suspected Respondent used drugs on November 28, 2003. (Factual Finding 7.) Respondent called the registry that night and told them she was ill, an unlikely act if Respondent was using drugs at the time. Moreover, though it was reasonable to suspect drug use, considering her drug history, her time in the restroom, and sleeping on the job, Respondent's work record is full of complaints that she has fallen asleep on the job and taken long breaks. (*Ibid.*) Saliently, her work record, while demonstrating poor work habits, did not contain any complaint alleging or suspecting drug use. Before the 2003 incident, Respondent was last found to have taken drugs twelve years ago, in 1994. (Factual Findings 25 & 27.) While her drug use compels license discipline, significant time has past since her last drug conviction. Complainant did not present evidence that Respondent's actions, on November 28, 2003, endangered her patients. Respondent established rehabilitative effort on her part. For these reasons, Respondent merits license discipline that is less severe than revocation for her admitted drug use.

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14. Some, but not all of Respondent's convictions established cause for discipline, pursuant to Business and Professions Code, sections 490 and 2761, subdivision (f). Respondent's crimes of prostitution are not substantially related to a registered nurse's qualifications, functions, and duties. The evidence did not show Respondent's three acts of prostitution (17, 16, and 12 years ago) evidence, to a substantial degree, her present or potential unfitness to practice nursing in a manner consistent with the public health, safety, or welfare. (Cal. Code Regs., tit. 16, § 1444.) However, her felony drug convictions are substantially related to a registered nurse's qualifications, functions, and duties in that her use of drugs would impair Respondent's judgment and cognition and potentially lead to the injury of a patient. Even if one ignored Respondent's 2005 conviction, pursuant to the sentencing court's dismissal (Penal Code section 1210.1), her two other felony drug convictions remain, both substantially related crimes that establish cause for revocation or suspension. (Bus. & Prof. Code §§ 490, 2761, subd. (f), & 2762, subd. (c).) Respondent's concealed weapon conviction is also substantially related, evidencing a propensity for violence and deceit, and thus further establishes cause for revocation or suspension. (Bus. & Prof. Code §§ 490 & 2761, subd. (f).)

15. While cause exists to revoke or suspend Respondent's license for her convictions, the concealed weapon conviction occurred 15 years ago. The drug felonies occurred 14 and 12 years ago. Though serious in nature and raising reasonable concerns about Respondent, the age of these three crimes tempers those concerns. (Cal. Code Regs., tit. 16, § 1445, subd. (b)(3).) Even when considering her most recent conviction in 2003, Respondent presented noteworthy evidence of rehabilitation. Respondent established she is seriously addressing her addiction in drug rehabilitation, and she showed genuine remorse for her actions. (Cal. Code Regs., tit. 16, § 1445, subd. (b)(6).) She completed her earlier probations and completed the Proposition 36 drug rehabilitation program, taking affirmative steps to set aside and dismiss her 2003 plea and conviction. (Cal. Code Regs., tit. 16, § 1445 subds. (b)(4) & (5).) She has no prior discipline by the Board. Thus while her total criminal record is significant (Cal. Code Regs. tit. 16, § 1445, subd. (b)(2)), the totality of the evidence established public safety would be sufficiently protected were Respondent issued a probationary license with adequate constraints.

16. Proving Respondent violated Business and Professions Code sections 490, 2761, subdivisions (a) and (f), and 2762, subdivisions (b) and (c), Complainant is entitled to costs. The Board's costs of \$9,775.25 are reasonable.

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ORDER

Respondent Edris Yvonne Holland's Registered Nurse License Number 374283 is revoked. However, the revocation is stayed and Respondent is placed on probation for five years on the following conditions.

Severability Clause

Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

(1) Obey All Laws

Respondent shall obey all federal, state, and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the Decision, unless previously submitted as part of the licensure application process.

(2) Comply with the Board's Probation Program

Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

(3) Report In Person

Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

(4) Residency, Practice, or Licensure Outside of State

Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when she resides outside of California. Respondent must provide written notice to the

Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

(5) Submit Written Reports

Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

(6) Function as a Registered Nurse

Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for six consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for six consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one-year extension, all original conditions of probation shall apply.

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(7) Employment Approval and Reporting Requirements

Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

(8) Supervision

Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each workday. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each workday. The

individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

(9) Employment Limitations

Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

(10) Complete a Nursing Course(s)

Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

(11) Cost Recovery

Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$9,775.25. Respondent shall be permitted to pay these costs in a payment plan approved by

the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one-year extension, all original conditions of probation will apply.

(12) Violation of Probation

If a Respondent violates the conditions of her probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

(13) License Surrender

During Respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- (1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
- (2) One year for a license surrendered for a mental or physical illness.

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(14) Participate in Treatment/Rehabilitation Program for Chemical Dependence

Respondent, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If Respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider Respondent in violation of probation.

Based on Board recommendation, each week Respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

(15) Submit to Tests and Samples

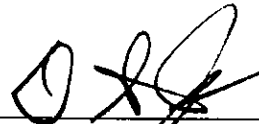
Respondent, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Respondent is responsible for keeping the Board informed of Respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and Respondent shall be considered in violation of probation.

In addition, Respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If Respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If Respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

Dated: December 26, 2006



DANIEL JUÁREZ
Administrative Law Judge
Office of Administrative Hearings

1 BILL LOCKYER, Attorney General
of the State of California
2 JAMI L. CANTORE, State Bar No. 165410
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6 Attorneys for Complainant

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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2006-69

12 Edris Yvonne Hurt aka Edris Yvonne Hurt
Willilams Holland; Delores Holland; Delores
13 Florence Holland; Cynthia Renee Powers; Orla
Benton; Edwina Yvonne Cannon; Edie Hurt;
14 Delores Florence Holland; Eddy, Hurt; Rita
Mcfall; Edris Yvonne Holland-Hurt; Edris
15 Yvonne Williams; Endris Yvonne Williams;
Cassandra Lee Sheperd

ACCUSATION

16 2032 Shenandoah St. #7
17 Los Angeles, CA 90034

18 Registered Nurse License No. 374283

19 Respondent.
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21 Complainant alleges:

22 **PARTIES**

- 23 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
24 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
25 Department of Consumer Affairs (Board).
- 26 2. On or about September 30, 1984, the Board issued Registered Nurse
27 License No. 374283 to Edris Yvonne Hurt aka Edris Yvonne Hurt Williams Holland, Delores
28 Holland, Delores Florene Holland, Cynthia Renee Powers, Orla Benton, Edwina Yvonne

1 Cannon, Edie Hurt, Delores Florence Holland, Eddy Hurt, Rita Mcfall, Edris Yvonne Holland-
2 Hurt, Edris Yvonne Williams, Endris Yvonne Williams, and Cassandra Lee Sheperd
3 (Respondent). The license was in full force and effect at all times relevant to the charges brought
4 herein and will expire on July 31, 2006, unless renewed.

5 JURISDICTION

6 3. This Accusation is brought before the Board under the authority of the
7 following laws. All section references are to the Business and Professions Code unless otherwise
8 indicated.

9 STATUTORY PROVISIONS

10 4. Section 2750 provides, in pertinent part, that the Board may discipline any
11 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
12 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

13 5. Section 2764 provides, in pertinent part, that the expiration of a license
14 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
15 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
16 Code, the Board may renew an expired license at any time within eight years after the expiration.

17 6. Section 2761 states:

18 "The board may take disciplinary action against a certified or licensed nurse or
19 deny an application for a certificate or license for any of the following:

20 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

21

22 "(f) Conviction of a felony or of any offense substantially related to the
23 qualifications, functions, and duties of a registered nurse, in which event the record of the
24 conviction shall be conclusive evidence thereof."

25 7. Section 2762 states:

26 "In addition to other acts constituting unprofessional conduct within the meaning
27 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
28 under this chapter to do any of the following:

1 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
2 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
3 or administer to another, any controlled substance as defined in Division 10 (commencing with
4 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
5 defined in Section 4022.

6 "(b) Use any controlled substance as defined in Division 10 (commencing with
7 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
8 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
9 injurious to himself or herself, any other person, or the public to the extent that such use impairs
10 his or her ability to conduct with safety to the public the practice authorized by his or her license.

11 "(c) Be convicted of a criminal offense involving the prescription, consumption,
12 or self-administration of any of the substances described in subdivisions (a) and (b) of this
13 section, or the possession of, or falsification of a record pertaining to, the substances described in
14 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
15 thereof."

16 8. Section 490 provides, in pertinent part, that the Board may suspend or
17 revoke a license when it finds that the licensee has been convicted of a crime substantially related
18 to the qualifications, functions or duties of a registered licensed nurse.

19 9. Section 4060 states that no person shall possess any controlled substance,
20 except that furnished to a person upon the prescription of a physician or furnished pursuant to a
21 drug order issued by a physician assistant or a nurse.

22 10. Section 118, subdivision (b), provides, in pertinent part, that the
23 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
24 action during the period within which the license may be renewed, restored, reissued or
25 reinstated.

26 11. Health and Safety Code section 11550, states in pertinent part:

27 "(a) No person shall use, or be under the influence of any controlled substance
28 which is (1) specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section

1 11054, specified in paragraph (14), (15), (21), (22), or (23) of subdivision (d) of Section 11054,
2 specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (1) or (2) of
3 subdivision (d) or in paragraph (3) of subdivision (e) of Section 11055, or (2) a narcotic drug
4 classified in Schedule III, IV, or V, except when administered by or under the direction of a
5 person licensed by the state to dispense, prescribe, or administer controlled substances. . . .”

6 12. Section 125.3 provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licensee found to have committed a violation or violations
8 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 **FIRST CAUSE FOR DISCIPLINE**

11 (Unprofessional Conduct: Use/Under the Influence of Controlled Substances)

12 22. Respondent's license is subject to discipline pursuant to sections 2761,
13 subdivision (a), and 2762, subdivision (b), on the grounds of unprofessional conduct in that
14 Respondent used and/or was under the influence of controlled substances, in violation of Health
15 and Safety Code section 11550, as follows:

16 a. On or about November 28, 2003, while working as a registry nurse,
17 Respondent was assigned to the Verdugo Hills Hospital Emergency Room. Respondent arrived
18 at approximately 7:00 p.m., and, upon her arrival, spent approximately one hour in the restroom.
19 During the same shift, Respondent fell asleep while giving a phone report and also fell asleep
20 while charting. As a result, Respondent was requested to submit to a urine drug screen. On or
21 about December 5, 2003, Respondent submitted for the drug screen. The results were positive
22 for marijuana and cocaine.

23 **SECOND CAUSE OF DISCIPLINE**

24 (Unprofessional Conduct: Conviction of Substantially Related Crimes)

25 23. Respondent's license is subject to discipline pursuant to section 2761 for
26 unprofessional conduct as defined in sections 2761 subdivision (f), 2762 subdivision (c), and 490
27 based on the following convictions:

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1 a. On or about April 26, 2005, Respondent was convicted on a plea of guilty
2 for one count of violating Health and Safety Code section 11350(A) (possession of a controlled
3 substance, a felony) in the Superior Court of Inglewood, Southwest Judicial District, Case No.
4 YA060822, entitled *The People of the State of California v. Edris Holland*. The circumstances
5 surrounding the conviction are that on or about February 6, 2005, Respondent did willfully and
6 unlawfully have in her possession a controlled substance, to wit, cocaine.

7 b. On or about November 15, 1994, Respondent was convicted on a plea of
8 guilty for one count of violating Health and Safety Code section 11350(A) (possession of a
9 controlled substance, a felony) in the Superior Court of the State of California, County of San
10 Bernardino, Case No. FVI-02052, entitled *People of the State of California v. Edris Yvonne*
11 *Williams*. The circumstances surrounding the conviction are that on or about August 12, 1994,
12 Respondent did willfully and unlawfully have in her possession a controlled substance, to wit,
13 cocaine.

14 c. On or about February 22, 1994, Respondent was convicted on a plea of
15 nolo contendere for one count of violating Penal Code section 647(b) (disorderly conduct,
16 prostitution, a misdemeanor) in the Municipal Court of Los Angeles, Hollywood Judicial
17 District, County of Los Angeles, State of California, Case No. 94H00514, entitled *The People of*
18 *the State of California v. Edris Yvonne Hurt*. The circumstances surrounding the conviction are
19 that on or about February 18, 2004, Respondent did willfully and unlawfully engage in
20 prostitution.

21 d. On or about February 18, 1992, Respondent was convicted for one count
22 of violating Health and Safety Code section 11350(a) (possession of a controlled substance, a
23 felony) in the Superior Court of the State of California, County of Los Angeles, Case No.
24 BA049708, entitled *People of the State of California v. Edris Hurt aka Rita McFall*. The
25 circumstances surrounding the conviction are that on or about December 3, 1991, Respondent
26 did willfully and unlawfully have in her possession a controlled substance, to wit, cocaine.

27 e. On or about June 17, 1991, Respondent was convicted on a plea of guilty
28 for one count of violating Penal Code section 12025(b) (carrying a concealed weapon, a

1 misdemeanor) in the Municipal Court of Los Angeles, Central Arraignment Judicial District,
2 Case No. 91R12196, entitled *The People of the State of California v. Edris McFall*. The
3 circumstances surrounding the conviction are that on or about June 16, 1991, Respondent carried
4 a concealed weapon on her person.

5 f. On or about May 14, 1990, Respondent was convicted on a plea of nolo
6 contendere for one count of violating Penal Code section 647(b) (disorderly conduct,
7 prostitution, a misdemeanor) in the Municipal Court of Los Angeles, Hollywood Judicial
8 District, County of Los Angeles, State of California, Case No. 90H00998, entitled *The People of*
9 *the State of California v. Edris Yvonne Hurt*. The circumstances surrounding the conviction are
10 that on or about March 6, 1990, Respondent did willfully and unlawfully engage in prostitution.

11 g. On or about September 22, 1989, Respondent was convicted on a plea of
12 guilty for one count of violating Penal Code section 647(b) (disorderly conduct, prostitution, a
13 misdemeanor) in the Municipal Court of Los Angeles, South Bay Judicial District, Case No.
14 89M09194, entitled *The People of the State of California v. Edris Yvonne Hurt*. The
15 circumstances surrounding the conviction are that on or about, September 21, 1989, Respondent
16 did willfully and unlawfully engage in prostitution.

17 PRAYER

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein
19 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License No. 374283, issued to
21 Edris Yvonne Hurt Williams Holland.

22 2. Ordering Edris Yvonne Hurt Willilams Holland to pay the Board of
23 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
24 pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 11/7/05


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant